



ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

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Regular Session Minutes

November 9, 2007

Board Members Present: Kathryn Babits, OT Chairperson
Geri DeWaard, OT Vice-Chairperson
Rebecca Grabski, OTA Member
John Tutelman, Public Representative

Board Members Absent: Deborah Devine, Public Representative

Staff Present: Linda A. Wells, Executive Director
Vicki Egurrola, Administrative Assistant

Legal Staff Present: Elizabeth Campbell, Assistant Attorney General

Call to Order

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:32 p.m., Chairperson Kathryn Babits, OTR presiding.

Approval of Minutes

Regular Session Minutes of September 14, 2007

Mr. Tutelman moved to approve the October 12, 2007 regular session meeting minutes with amendments on page 3 and on page 6. Ms. Grabski seconded. The motion passed 3-0.

Open Complaint Investigations

COMPLAINT No. 07-133-B TERESA KARJALAINEN, OTR

At a previous meeting, the Board tabled the complaint filed against Teresa Karjalainen, OTR initiated by the Board for further investigation, and moved to hold an informal meeting with her following receipt of the fingerprint report from the Federal Bureau of Investigation. The report indicates that Ms. Karjalainen was arrested for a misdemeanor DUI offense in March, 2003 in the state of Colorado. The Board noted that Ms. Karjalainen did not disclose the conviction on her initial license application.

Ms. Karjalainen was present for the informal meeting via teleconference call.

Following discussion, Mr. Tutelman moved to issue a letter of concern to Ms. Karjalainen based on her failure to disclose the conviction on her initial license application. Ms. DeWaard seconded. The motion passed 4-0.

07-125-C KAREN M. WATERS, OTR

At a previous meeting, the Board tabled the complaint filed against Karen M. Waters, OTR, and moved to hold an informal meeting with her pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.

The complainant alleges inadequate record keeping, i.e. A billing audit was performed on February 1, 2007. During the time period between November 1, 2006 through January 29, 2007 discrepancies were found in client charts that indicate missing documentation that support services rendered.

The complaint is tabled pending an informal meeting with Ms. Waters at the December Board meeting.

07-126-C MARY JO TODD, OTR

At a previous meeting, the Board tabled the complaint filed against Mary Jo Todd, OTR, and moved to hold an informal meeting with her pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.

The complainant alleges that Ms. Todd refused to perform an evaluation on her son, and failed to put the refusal in writing.

Ms. Todd was present at the November meeting for the informal meeting. Also present were, Barbara Gilbert, P.T and the complainants, David Wade and Maureen Casey.

Ms. Todd reviewed her records of client, DCW (student). Following discussion, Ms. DeWaard moved to enter executive session at 3:05 p.m. for the purpose of receiving confidential legal advice from Assistant Attorney General, Beth Campbell. Ms. Grabski seconded. The motion passed 4-0.

The Board left executive session and entered regular session at 3:25 p.m.

Following testimony from all parties, Mr. Tutelman moved to table the complaint and hold an Informal Interview with Ms. Todd pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.9(h) and A.A.C. R4-43-101.5 9(e). Ms. DeWaard seconded. The motion passed 4-0.

The Board requested a subpoena be issued to the Madison School District for the client 2006/2007 IEP 504 records. The Board also requested a subpoena be issued to the following people for the purpose of giving testimony at the Informal Interview:

1. Mary L. Langan, Madison School Psychologist
2. Lauren Buhrow – Complaint Investigator
3. Steve Olsen – Madison School District
4. Jill Hoover – Special Education Director
5. Barbara Gilbert, P.T.

07-128-C PAMELA J. LIZOTTE, OTA

At a previous meeting, the Board tabled the complaint filed against Pamela J. Lizotte initiated by R.S. of Aureus Medical Operations for further investigation, and moved to hold an informal meeting with Ms. Lizotte pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.9(f)(h)(i)(n) and R4-43-101.5(l).

The complainant alleges that Ms. Lizotte altered the dates on her CPR card, and presented it as evidence of a valid and current document.

Ms. Lizotte was present for the informal meeting via teleconference call.

Following discussion, the Board tabled the complaint for further investigation.

The Board requested that Ms. Lizotte provide them with copies of her last three issued CPR cards.

07-129-C BERNADETTE S. HARKINS, OTR

At a previous meeting, the Board tabled the complaint filed against Bernadette S. Harkins, OTR for further investigation and requested a subpoena be issued to Scottsdale Healthcare for any and all documents concerning Ms. Harkins ability to maintain client treatment records/reports in a timely manner.

The complainant alleges that Ms. Harkins failed to document or maintain client treatment records, or failed to prepare client reports within 30 days of service or treatment.

Ms. Wells reported that a subpoena was issued to Scottsdale Healthcare for records, and that the records have not been received to date.

The complaint is tabled for further investigation.

07-130-C LILIAS HANDWERK, OTR

At a previous meeting, the Board tabled the complaint filed against Lili Handwerk, OTR for further investigation, and requested a subpoena be issued to RehabCare Group, Inc. for any and all client records relating to the audit they conducted.

The Board is in receipt of the documents subpoenaed from RehabCare Group, Inc.

Following discussion, Mr. Tutelman moved to table the complaint for further investigation, and to hold an informal meeting with Ms. Handwerk pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401 Ms. Grabski seconded. The motion passed 5-0.

The complaint is tabled pending an informal meeting with Ms. Handwerk at the December Board meeting.

Probationary Status Reports

Anne Means Carlsson, OT

Anne Means Carlsson, OT is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with a signed Consent Agreement and Order.

The Board is in receipt of a certificate of completion for a 5 hour course on ethics. The Board is also in receipt of a written request from Ms. Carlsson requesting termination of her probation.

Following discussion, Mr. Tutelman moved to terminate the probation based on compliance with all terms listed in the Consent Agreement. Ms. DeWaard seconded. The motion passed 4-0.

Shawn A. Keams, OTA

Shawn A. Keams, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with a signed Consent Agreement.

The Board is in receipt of the October, 2007 report from Mr. Keams' probation officer along with correspondence from Mr. Keams regarding his attendance at AA meetings.

The Board found that Mr. Keams is in compliance with his reporting for the month of October, 2007.

Complaint No. 07-119-C Esther M. Medley, OTA

Esther M. Medley, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with the Decree of Censure and Probation.

Ms. Medley is in compliance with the term of seeking pre-approval of the ethics course, but has not provided proof of attendance. It was reported that Ms. Medley has on or before the termination of probation to complete the course.

Complaint No. 06-116-C Jenny Marcelee Padilla, OTA

Jenny M. Padilla, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with the Decree of Censure and Order.

It was reported that Ms. Padilla has on or before the termination of probation to complete the requirement for completing three continuing education credits on substance abuse.

Complaint No. 07-123-B Cynthia A. Lane, OTR

At a previous meeting, the Board initiated a complaint against Cynthia A. Lane, OTR following written notice from Ms. Lane that her license expired, and that she had been practicing occupational therapy for approximately four months without a current license.

The Board discussed offering Ms. Lane a Consent Agreement based on a possible violation of A.R.S. §32-3441(C) which states that it is unlawful for any person who is not licensed as an occupational therapist to practice or assist in the practice of occupational therapy.

The Board is in receipt of a signed Consent Agreement from Ms. Lane along with documentation that provides proof to the Board that she has notified all clients treated as well as insurance agencies involved, that she was not licensed to practice during February 13, 2007 to June 25, 2007.

Substantive Review, Discussion, and Vote Re: The Applications For Licenses As Follows:**a. Initial Applications****i. Peter Carlaftes, OTA**

The Board reviewed the initial licensure application of Peter Carlaftes, OTA.

Mr. Carlaftes was present at the meeting to hear the Board's discussion and to answer any questions.

The Board discussed the fingerprint background report from the Arizona Dept. of Public Safety. Following review and discussion, Mr. Tutelman moved to approve the initial license application of Peter Carlaftes. Ms. Grabski seconded. The motion passed 4-0.

ii. Kordell Howell, OTA

The Board reviewed the initial license application of Kordell Howell, OTA.

The Board discussed the documents related to two misdemeanor DUI offenses reported on the Arizona Dept. of Public Safety Report. Following review and discussion, Mr. Tutelman made a motion to approve the initial license of Kordell Howell. Ms. Grabski seconded. The motion passed 4-0.

Ms. DeWaard moved to approve all of the applicants listed on the November 2007 initial application for licensure list. Mr. Tutelman seconded. The motion passed 4-0

b. Renewal of Licenses

i. Darla K. Goodman, OTR

The Board reviewed the renewal application of Darla Goodman, OTR.

Ms. Grabski stated for the record that she and Ms. Goodman have a professional relationship. Ms. Grabski stated that she can be fair and impartial in judging the situation regarding Ms. Goodman's license renewal.

Ms. Goodman was present at the meeting to hear the Board's discussion, and to answer any questions.

Ms. Egurrola informed the Board that Ms. Goodman received written notice from the Board that her license expired. Upon receipt of the notice, Ms. Goodman reinstated her license, and also informed the Board that she provided services during the time her license expired.

Following discussion Mr. Tutelman moved to approve the license, and to issue a Decree of Censure based on a violation of A.R.S. §32-3441(C) for practicing as an occupational therapist without a current license. Ms. DeWaard seconded. The motion passed 4-0

ii. Charles E. Stuart, OTA

The Board reviewed the renewal application of Charles E. Stuart, OTA.

The Board is in receipt of a written request from Mr. Stuart requesting approval of continuing education on a course entitled "world religions".

Following discussion Ms. Babits moved to approve the renewal application of Mr. Stuart, and moved to approve the "world religions" course. Ms. Grabski seconded. The motion passed 4-0.

The Board requested that a letter be sent to Mr. Stuart informing him that all future requests for continuing education approval that is not directly related to occupational therapy must have a detailed course outline.

Mr. Tutelman moved to approve all of the applicants listed on the November, 2007 renewal licensure list. Ms. Grabski seconded. The motion passed 4-0

Executive Director's Report

a. Revenue and Expenditure Report

The Board reviewed the September, 2007 Revenue and Expenditure Report

Other Board Business and Reports

a. Proposed Rule Making/Legislation

The Board discussed proposed amendments to the statutes and rules. Ms. Wells informed the Board that Senator, Tom O'Halleran agreed to sponsor the bill that summarizes as follows:

1. Revise the definition of an occupational therapist and an occupational therapy assistant
2. Revise the language to conform to current statute format and style requirements. Improve the statutes clarity, conciseness, and understandability
3. Detail more of the job duties of the executive director
4. Require an applicant or licensee be of good moral character and shall not have been convicted of a felony or misdemeanor involving moral turpitude within the past five years

b. Draft initial licensure application

The Board tabled review, discussion, and approval of the draft initial licensure application form until the Board meeting in December.

c. General Accounting Financial Audit Published Report

The Board discussed the General Accounting Financial Audit Report. Ms. Wells informed the Board that the report has been made public.

Review Meeting Schedule

The Board made no changes to the meeting schedule.

Adjournment

There being no further business before the Board, the meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Linda A. Wells
Executive Director

